REMARKS

CLAIM OBJECTIONS

Claims 25 and 28 were objected to.

These claims have been amended to include a colon after "comprising."

Claim 28 has also been amended to replace the recitation "at least ones" with the recitation "at least two." It is submitted that the recitation "at least ones" is not unclear and that, in fact, it means "at least two." However, since the phrase "at least two" means the same thing, applicants have amended claim 28 in the interest of furthering prosecution. Other instances of the term "ones" in both of claims 25 and 28 have also been changed to "at least two" in the interest of uniformity.

CLAIM REJECTIONS

Independent Claims

The claims still pending in the application stand rejected as unpatentable over Chen or Chen in view of Ahmad.

These rejections are respectfully traversed.

The Office action cites language from Chen's claim 1 as anticipating the recitations in applicants' independent claims (e.g., , claim 1, lines 12-14) directed to the notion that at least one channel is assigned to carry the communication signal after an error condition is detected.

Applicants respectfully submit that a patent claim, such as Chen's claim 1, is not properly citable as a prior art teaching or disclosure that can be used to anticipate a pending claim. That having been said, applicants respectfully submit that the words of Chen's claim 1 do not anticipate applicant's claim language, nor do any of the teachings of Chen's specification.

In particular, Chen's claim 1 _and_ Chen's specification make clear that at the outset of the operation of Chen's method, a virtual path connection has _already been set up_ on a working transmission link, and _another_ virtual path connection has _already been_

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set up on a protection transmission link. That is the meaning of the recitation in lines 37-39 of Chen

> receiving...a virtual path connection (VPC) on each of a working transmission link and a protection transmission link (emphasis added).

Thus the two virtual path connections are initially both up and running.

Later on, based on the protection switching status for the links (lines 49-50), the Chen method selects one of the two already existing virtual path connections for processing. That is, if an alarm is received, the Chen method thereupon reads the cells of the virtual path connection from, for example, the protection path instead of the working path. That is the meaning the recitation in lines 47-50 of Chen

> selecting the virtual path connection (VPC) from one of the working and protection transmission links based on the protection switching status for at least one of the working and protection transmission links.

Thus, assuming for the moment that Chen's virtual path connection can be regarded as a "channel" as applicants' claims recite, Chen is contrary to applicants' claims because any such "channel" is assigned to carry the signal at the very outset, not after a fault has occurred. Selecting which of two previously-assigned channels will be read from is not the same as assigning channels in the first instance.

Moreover, it is respectfully submitted that Chen's virtual path connection cannot, in fact, be regarded as a "channel" as applicants' claims recite.

In view of the foregoing, it is respectfully submitted that each of applicants' independent claims—and thus all of the claims in the application—distinguish the invention from Chen, and thus also distinguish the invention from Chen in view of Ahmad.

Dependent Claims

In addition, limitations in various ones of applicants' dependent claims further distinguish the invention from the cited prior art.

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For example, claims 11, 19, 24, 27, 30 provide that the recited mesh network "is a synchronous optical network (SONET) defined by the ANSI T1.105." The Chen method, by contrast, operates not in a synchronous network at all, but rather in a packet-based, ATM network. Indeed, Chen's technique for providing a protection architecture is predicated on the fact that the network in question is an ATM or other packet-type network, It is respectfully submitted, moreover, and there is no obvious way in which the Chen technique could be used in a synchronous network.
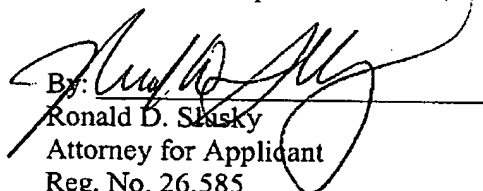
In addition, claims 7, 8, 22, 26, 29, 33, 36 and 38 are directed to the unique feature of applicants' invention wherein, after the error condition is detected, a bi-directional channel assignment process proceeds from both of the end nodes. The Office action points to various passages in Chen as anticipating the language of these claims. It may well be that Chen assigns bi-directional channels. But that is not the same thing as carrying out channel assignments bi-directionally—that is from <u>two directions at the same time.</u>

Conclusion

In view of the foregoing, it is believed that all the claims in the application are in condition for allowance, which action and passage of the application to issue are earnestly solicited.

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Respectfully submitted,

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